

REMARKS

Claims 1-14 are pending. Claims 1, 3, 5, 6, 9, 11 and 13 are the independent claims. Claims 5, 11 and 13 have been amended. Reconsideration is respectfully requested.

Claims 5, 11 and 13 were indicated as allowable if rewritten in independent form, including any intervening claims. Those claims have been so rewritten and are believed in condition for allowance.

Claims 1-4, 6, 8-10 and 12 were rejected under 35 U.S.C. § 103(a) over Fukuda, U.S. Patent No. 6,169,905 in view of Gillig, U.S. Patent No. 4,989,230. Claim 7 was rejected over Fukuda and Gillig in combination with Official Notice taken by the Examiner. Applicant respectfully traverses.

Independent claims 1 and 6 require, inter alia, “transmit[ting] an ON state indication signal indicating to switch on a main power source of said receiver cellular phone.” (Emphasis added.) Fukuda fails to show transmitting an ON state indication signal.

In the Office Action, the Examiner did not find the above argument persuasive and took the position that Fukuda in fact must send such a signal within the control information, in view of the statement, for example in the abstract, that the “remote station turns on and off a power supply of its reception unit on the basis of the control signal transmitted thereto.”

The Examiner has clearly interpreted this statement from the abstract, and other similar statements in Fukuda, as meaning essentially: “in response to a signal embedded in the control signal, the remote station turns on and off the power supply . . .” However, it is quite clear from the detailed description of the invention in Fukuda that this

interpretation is not at all what is meant by this statement from the abstract. In fact, it is clear from a reading of Fukuda in its entirety that the turning on and off of the power supply is done on the basis *of the timing of the control signal*, *not* on the basis of any signal embedded within the control signal.

In Fukuda, the power supply to the receiver of the remote station is synchronized with the transmission times of the control signal such that the remote station powers up its receiver at a time appropriate for receiving the control signal. The communications controller 14 controls the remote stations such that they “energize their reception units (radio units 12 or the like) only during the period of timing at which a series of control signals is successively transmitted.” (Column 8, lines 9-14).

Moreover, a study of the actual control signal supports this interpretation, and lends no support whatsoever to the position taken in the Office Action. Specifically, according to Fukuda:

As shown in FIG. 5, the down-link control signal comprises a preamble PR which is a sync word formed of a constant pattern of a predetermined length, a unique word UW of a specific pattern indicative of the control signal, a channel type C1 for effecting a communication, control data CAC indicating a control content and an error-detection parity CRC, in that order.

(Column 5, lines 38-45). In view of Figure 5, it is clear that the control signal of Fukuda contain *no* command that the remote station be *turned on*.

As discussed above, Fukuda’s remote station automatically turns its reception section on *at predetermined periods*, not based on a *signal* transmitted from a master station *indicating that it should switch on the power*, as required in claims 1 and 6:

[T]he remote stations 4, 5, . . . , *detect the timing* at which they receive the control signal transmitted from the main master station 1 and receive the transmitted control signal intermittently *during the period* T_{ON} on the basis of the detected timing. The reception operation in this period T_{ON} is intermittently carried out at a *predetermined cycle*.

(Column 8, lines 24-32.) It is clear from the foregoing that Fukuda's remote station is turned on (T_{ON}) based on timing considerations – i.e., when the remote station needs to energize itself so as to be able accept a control signal -- *not* based on “an ON state indication signal” transmitted remotely as required in claims 1 and 6.

In the Office Action, the Examiner responded to arguments pointing out the above portions of Fukuda by saying (1) that the statement in the abstract very clearly teaches an ON state indication as claimed, and (2) that the above-mentioned discussions of the synchronization of the turning on and off of the receiver in Fukuda relate to a different or additional embodiment, one that was not applied by the Examiner. Both statements are incorrect.

The portions of Fukuda discussed above are the *only* detailed descriptions explaining the timing of the turning on and off of the receiver power of the remote stations. It is the explanation of *how* the turning on and off operates. As a result, it *must* be applied by the Examiner, since the prior art must be taken as a whole. *No alternative explanation is provided* as to how the turning off and on of the receivers of the remote stations is accomplished.

The above-cited description of the synchronization between the control signal and the turning off and on of the receivers of the remote stations, in combination with the absence of *any* indication of an ON indication signal in the control signal data in Fukuda, as shown for example in Figure 5, make it clear that the statement in the abstract that the “remote station turns on and off a power supply of its reception unit on the basis of the

control signal” means that the remote station turns the power supply on and off on the basis *of the timing of said signal*, not on the basis of any ON state indication embedded in the control signal.

Thus, contrary to the characterization that “applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art,” in fact, the portions relied upon in Applicant’s arguments *are the detailed explanation provided by Fukuda as to how the receivers of the remote stations are turned on and off* “on the basis of the control signal.” The Examiner would apparently have the only explanation relating to the relied upon passage of the patent ignored.

In view of the above, it is clear that Fukuda contains no teaching of the feature of the independent claims in question. If the Examiner intends to maintain this rejection it is requested that the Examiner show the alleged alternative detailed explanation in Fukuda as to how the power to the receivers in the remote stations turned on and off.

Gillig does not cure the deficiencies of Fukuda. That is, Gillig does not show “transmit[ting] an ON state indication signal.”

Accordingly, Fukuda and Gillig, even if combined, fail to show each and every limitation of independent claims 1 and 6. Thus, the Office Action has failed to make out a *prima facie* case of obviousness.

In view of the above, withdrawal of the rejections of independent claims 1 and 6 is respectfully requested.

Independent claim 3 requires, inter alia, “sending power-ON information” (emphasis added) and independent claim 9 requires “receiving a signal for switching to be in an ON state.” For the reasons given above with respect to claims 1 and 6, Fukuda does

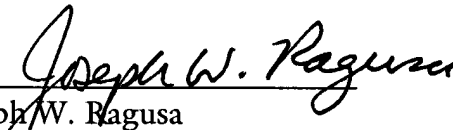
not show sending power-ON information that could turn on the remote station, nor does it show receiving a signal that could turn on the remote station. Thus, withdrawal of the rejections of independent claims 3 and 9 over Fukuda in view of Gillig is respectfully requested.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the above, each of the presently pending claims is in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

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